

Translation

PATENT COOPERATION TREATY

PCT/CH2003/000062



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference MU881-P/WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH2003/000062	International filing date (day/month/year) 27 January 2003 (27.01.2003)	Priority date (day/month/year) 02 January 2003 (02.01.2003)
International Patent Classification (IPC) or national classification and IPC B02B 5/02, 1/04, 3/00		
Applicant BÜHLER AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 19 May 2004 (19.05.2004)	Date of completion of this report 31 March 2005 (31.03.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages _____ 1-6 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-8 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/2-2/2 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement			
Novelty (N)	Claims	2-7	YES
	Claims	1	NO
Inventive step (IS)	Claims	2-7	YES
	Claims	1	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

1. Prior art

This report makes reference to the following document cited in the search report; the same numbering will be used throughout the procedure:

D1: CH 684 576 A (TRADEPOINT HANDELSGESELLSCHAFT)
31 October 1994 (1994-10-31)

2. Claim 1

Note that the following argument is based on superfine flour production as described in D2 (see column 2, lines 52-53), not on wholemeal flour production.

Taking into account this qualification, D1 (in its own words) describes a process for cleaning cereals ("the grain is introduced into a cleaning machine"), in particular wheat. The wheat is first cleaned (column 2, lines 49-52) and moistened (column 2, lines 52-55), allowed to stand (column 2, lines 59-63), then superficially processed after superficial moistening (column 3, lines 8-13: "this machine (10)

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acts by adding water"), wherein the superficial processing consists in hulling (column 3, lines 15-17).

Since D1 describes all the features of the claim, the subject matter of claim 1 is not novel (PCT Article 33(2)).

3. Claim 7

The subject matter of claim 7 differs from that of D1 in that the device as per claim 7 has a moistening assembly followed by a hulling machine.

This distinguishing feature enables the required moisture content (hull conditioning) to be accurately adjusted.

None of the available prior art documents discloses such a solution. The subject matter of claim 7 can therefore be described as novel and as involving an inventive step (PCT Article 33(1) to (3)).

4. Industrial applicability

Industrial applicability is evident (PCT Article 33(1) and (4)).